

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN COUNTY CIRCUIT COURT

AVC NO. 01-033

IN RE: FRANK A. PALERMO, doing)
business as, Frank Palermo Auto,)
)
Respondent.)

MISCELLANEOUS DOCKET

NO. 02001-0105-MZ-66

RECEIVED

ASSURANCE OF VOLUNTARY COMPLIANCE

MAY 21 2001

ATTORNEY GENERAL
OF INDIANA

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Mary Ann Wehmuller, and the Respondent, Frank A. Palermo, doing business as Frank Palermo Auto, enter into an Assurance of Voluntary Compliance (Assurance) pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law and upon consent of the parties.

The parties agree:

1. Respondent is an individual engaged in the sale of used motor vehicles in Allen County, with a principal place of business at 3711 N. Wells, Ft. Wayne, Indiana.
2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

4. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, regarding his ability to deliver certificates of title for motor vehicles to vehicle purchasers unless Respondent actually intends to provide and, in fact, provides purchasers with motor vehicle certificates of title as represented.

5. Respondent will immediately comply with all provisions of Ind. Code §9-17-3-3, including but not limited to:

- a. endorsing the certificate of title for a vehicle which is sold or has ownership transferred by Respondent;
- b. delivering the endorsed certificate of title to the purchaser or transferee at the time of sale or delivery;
- c. if the conditions under Ind. Code §9-17-3-3(a)(4)(A-D) are met, delivering the endorsed certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale.

6. Respondent will immediately comply with all provisions of Ind. Code §9-18-26-10 and 140 IAC 3.5-2-15, including but not limited to, issuing no more than one interim license plate to a motor vehicle purchaser.

7. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

8. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

9. The Office of the Attorney General shall file this Assurance with the Circuit Court of Allen County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 21st day of May, 2001.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Attorney General of Indiana

FRANK A. PALERMO

By: Mary Ann Wehmuller
Mary Ann Wehmuller
Deputy Attorney General
Atty. No. 15251-49A
Office of Attorney General
402 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Telephone: (317) 233-3973

Frank A. Palermo agent
Frank A. Palermo

APPROVED this 29 day of May, 2001.

Thomas L. Ryan NKL

Judge, Allen County Circuit Court